

Amendments to House Bill No. 405  
1st Reading Copy

Requested by Representative Janna Taylor

For the House Business and Labor Committee

Prepared by Bartley Campbell  
February 18, 2011 (7:36am)

1. Title, page 1, line 5.

**Strike:** "ELIMINATION"

**Insert:** "THE REDUCTION"

2. Title, page 1, line 7.

**Following:** "INTERVENTIONS"

**Insert:** "UNLESS MEDICAL MALPRACTICE IS SHOWN BY CLEAR AND  
CONVINCING EVIDENCE"

3. Page 1, line 28.

**Following:** "liability"

**Insert:** ", unless medical malpractice is shown by clear and  
convincing evidence,"

4. Page 2, line 13.

**Following:** "liability"

**Insert:** ", unless medical malpractice is shown by clear and  
convincing evidence,"

5. Page 2, line 21.

**Strike:** "Elimination"

**Insert:** "the Reduction"

6. Page 3, line 7.

**Strike:** ":",

**Insert:** "meets the qualifications in 26-2-601."

7. Page 3, line 8 through line 16.

**Strike:** subsections (a) through (d) in their entirety

8. Page 3, line 23.

**Following:** "rationale"

**Insert:** ", unless medical malpractice is shown by clear and  
convincing evidence"

9. Page 3, line 25.

**Following:** "and"

**Insert:** "in the absence of clear and convincing evidence that the  
medical provider committed malpractice"

10. Page 4, line 6.

**Following:** "and"

**Insert:** "in the absence of clear and convincing evidence that the medical provider committed malpractice"

11. Page 4, following line 8.

**Insert:** "(4) The court in which the medical malpractice claim related to an error of omission is filed may, upon a motion made by any party to the malpractice claim, determine as a matter of law whether [sections 1 through 5] apply in a malpractice claim brought against a medical provider."

**Renumber:** subsequent subsection

12. Page 4, line 12 through line 21.

**Strike:** section 4 in its entirety

**Renumber:** subsequent sections

13. Page 5, line 1.

**Insert:** "NEW SECTION. **Section 6. Survey to track effectiveness.** (1) The Montana medical legal panel shall develop a survey in order to determine whether [sections 1 through 6] are achieving the desired effect of reducing the practice of defensive medicine by physicians in Montana and shall submit the survey to the board of medical examiners for its approval.

(2) Once the survey is approved by the board of medical examiners, the Montana medical legal panel shall submit the survey on an annual basis to all physicians actively practicing medicine in the state of Montana.

(3) The results of the survey submitted to the board of medical examiners are a public record."

**Renumber:** subsequent sections

- END -